

REMARKS/ARGUMENTS

Claims 1-4, 8, 11-12, 16-17, and 21-22 are pending. The remaining claims have been canceled without prejudice. Claims 1-25 were rejected as unpatentable over U.S. Patent No. 4,557,398 to Hambleton et al. in view of WO 99/07786 to Powell. Claims 1-25 were rejected as unpatentable over Hambleton in view of U.S. Patent No. 4,346,196 to Hoh et al.

Hambleton discloses a container wherein the closure is sealed to the container with a Surlyn/lacquer layer 58 (col. 7, lines 54-68, col. 8, lines 1-4, and FIG. 3) on the closure. The Office Action acknowledges that Hambleton fails to disclose "the lower acid content material", but Powell is cited as allegedly disclosing a heat seal material as claimed, and it is asserted that a person of ordinary skill in the art would have modified Hambleton to use Powell's heat seal material in order to improve adherence qualities of the sealing material.

Powell discloses a heat seal material comprising high-density polyethylene blended with an acid copolymer or an ionomer or blend thereof. The presence of the high-density polyethylene is essential to achieving the purported advantage that Powell states, namely, reduced blocking tendency of the structure having the seal material. As such, it would not have been obvious to omit the HDPE from Powell's seal material.

The Office Action in the Response to Arguments implies that Powell's teaching regarding the need for HDPE as an anti-block additive is merely a "preferred embodiment". However, that is not how Powell characterizes it. Powell's disclosure indicates that some type of anti-block is needed, whether it is HDPE or the conventional particulate material (p. 1, lines 36-38). Based on Powell, one skilled in the art would have concluded that the absence of HDPE would result in severe blocking of the sealant and would not provide a practical solution.

Accordingly, it is submitted that the invention defined by the present claims, which effectively exclude the presence of any anti-block additive, would not have been suggested by Hambleton and Powell.

As for Hoh, it discloses a substantially homogeneous blend of a terpolymer and an ionomer (col. 2, lines 19-26). The terpolymer has monomeric components of ethylene, vinyl alkanoate, or unsaturated alkyl ester, and a partially neutralized unsaturated carboxylic acid. The terpolymer has 65 to 95 percent by weight ethylene, about 4 to 30 percent by weight vinyl alkanoate or unsaturated alkyl ester, and about 0.5 to 20 percent by weight unsaturated carboxylic acid.

This heat seal material disclosed by Hoh is quite different from that described and claimed in the present application. Each of the independent claims as amended requires a heat seal material consisting essentially of a blend of a copolymer of ethylene and methacrylic acid wherein methacrylic acid groups are partially neutralized with a cation, and a copolymer of ethylene and acrylic acid wherein acrylic acid groups are partially neutralized with a cation. Hoh does not teach or suggest such a heat seal material. Hoh's heat seal material always includes a terpolymer having three (or more) monomers. Having at least three monomers is said to be "necessary for operation of this invention" (col. 2, lines 53-57).

Accordingly, it is submitted that Hambleton and Hoh would not have suggested the claimed invention.

Accordingly, it is submitted that the cited references, even if combined, would not have suggested the claimed invention, and that the amended claims are clearly patentable over the cited references.

Conclusion

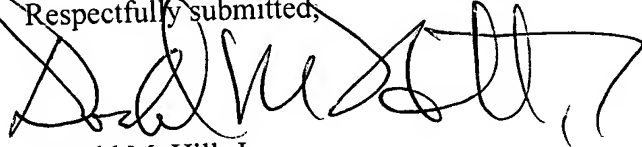
Based on the above remarks, it is respectfully submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/720,710
Amdt. Dated 02/26/2007
Reply to Office Action of October 24, 2006

therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

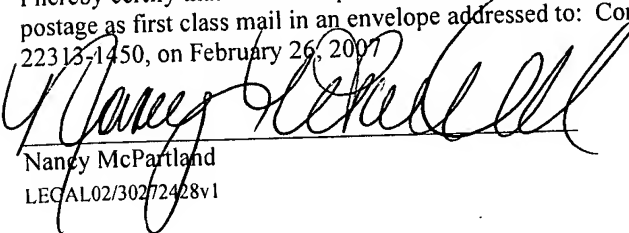


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